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\*ADMITTED IN DC ONLY

September 19, 2019

Re: Set Capital LLC v. Credit Suisse Group AG et al., No. 18-cv-02268-AT-SN

Dear Judge Torres:

We write on behalf of all defendants in the above-referenced matter.

Last night the Plaintiffs filed their Plaintiffs' Reply In Support of Their Objections with respect to Magistrate Judge Netburn's Report and Recommendation recommending dismissal of this action [ECF No. 133].

Plaintiffs' reply filing was not authorized by the Court or Fed. R. Civ. P. 72(b)(2). Plaintiffs did not seek the Court's leave to file it. We respectfully submit that the Court should disregard it. *See Mordukhaev v. Daus*, 2010 WL 3792191, at \*1 n.1 (S.D.N.Y. Sept. 28, 2010) ("This Court declines to consider plaintiffs' reply memorandum given that Fed. R. Civ. P. 72(b)(2) authorizes only objections and a response, not a reply, to a magistrate judge's report and because plaintiffs never sought leave of the Court to file these papers."), *aff'd*, 457 F. App'x 16 (2d Cir. 2012).

Respectfully submitted,



David G. Januszewski

The Honorable Analisa Torres  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
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BY ECF

cc: All Counsel of Record (BY ECF)